CONFERENCE ON DISARMAMENT

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FINAL RECORD OF THE SEVEN HUNDRED AND THIRTY-SEVENTH PLENARY MEETING

Held at the Palais des Nations, Geneva
on Thursday, 6 June 1996, at 10 a.m.

President: Mr. Akram (Pakistan)

GE.96-62147 (E)

The PRESIDENT: I declare open the 737th plenary meeting of the Conference on Disarmament.

I have on my list of speakers for today the representatives of Poland, Ukraine, Algeria and China. I now give the floor to the representative of Poland, Ambassador Dembinski.

Mr. DEMBINSKI (Poland): Mr. President, I should like first to congratulate you on the assumption of the presidency of the Conference on Disarmament at a time when its painstaking negotiations on a treaty to ban nuclear-test explosions for all time have entered the final stage. With the building momentum in that regard, it is good to know that the heavy responsibilities of the presidency rest in the capable hands of an experienced diplomat and negotiator. You can rely on my delegation's full cooperation and support. I would be remiss without taking this opportunity to express to your predecessor, Ambassador Abuah of Nigeria, our appreciation for the effective and courteous manner in which he was discharging the demanding functions of his office.

The topic of my brief intervention today is the new negotiating format pursued in the Ad Hoc Committee on a Nuclear Test Ban which - hopefully - will help us bring the CTBT negotiations to a successful conclusion in a few weeks' time. More particularly, the reason for my taking the floor on this issue is to commend the Chairman of the Ad Hoc Committee, Ambassador Jaap Ramaker, for the manner in which he has been pursuing that process through intensive, open-ended consultations and in-depth examination of the issues concerned. As will be recalled, in one of my earlier interventions I had no hesitation to prod him towards such a course. It is, therefore, with great satisfaction that my delegation welcomes working paper CD/NTB/WP.330 of 28 May. We deem that document to represent a sound basis for the final effort to complete the treaty. We also believe its timing has been right.

While the contents of the Chairman's draft - the precise solutions suggested and their exact implications - are undergoing close examination in my capital, as they probably are in other capitals, we note with gratification the positive spirit in which that document has been placed before the Committee. Pending instructions from my Government, therefore on a tentative basis, I wish to voice my delegation's support for the main thrust of the draft CTBT text contained therein.

With the commencement of the second part of the CD session this year, it must have become evident for Ambassador Ramaker - as it has for many other delegations, including my own - that after more than two years of efforts pursued by the Ad Hoc Committee, by its Working Groups, the Friends of the Chair, Coordinators and Conveners, the scope of the negotiating format applied had been largely exhausted. Attempts at forward movement beyond the consensus areas recorded in part one of the "rolling text" were clearly disappointing. The Ad Hoc Committee in fact found itself moving in a vicious circle. The futility of the exercise became all too evident when a set of brackets removed from draft language was immediately compensated by multiple brackets reinserted elsewhere. Of course, the negotiating process that began grinding to a virtual impasse posed a serious threat to the recognized target date for

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completion of the CTBT. The new work format of the Ad Hoc Committee and the Chairman's subsequent draft treaty have brought that frustrating situation to a stop.

As we see it, the principal merit of the draft CTBT offered by the Chairman of the Ad Hoc Committee is that it rigorously builds on the consensus so far established in the CTBT "rolling text". At the same time, in regard to the key contentious issues, the open-ended consultations have proved sufficiently encouraging for the Chairman to propose draft language as a basis for possible compromise. By exercising his judgement, he offered the Committee a document that - in the view of my delegation - is a viable basis on which it can and should seek middle ground on the issues involved.

In their present form, some of these proposals - while basically commending themselves for serious consideration - could conceivably gain from minor improvements. Theoretically speaking, for instance, one could imagine preamble language that is perhaps less timid about the non-proliferation content of the CTBT, a composition-of-the-Executive-Council formula that responds more adequately to the concerns of all regional groups, or an entry-into-force provision that reconciles more effectively the dual requirement: that of universality of the CTBT, on the one hand, and that of its early entry into force on the other.

The proposals spelled out in CD/NTB/WP.330 - as we see them - are not offered on a "take it or leave it" basis. Without satisfying any particular position 100 per cent, they nevertheless offer a valuable and constructive basis for determined pursuit of purpose-oriented negotiations and honourable deals that - hopefully - will "make", not "break", the treaty we all profess to seek. To my mind - at the final stage of the CTBT negotiations - this is the right way to bring fresh momentum to the CTBT negotiating process. It would be desirable that it inspired a serious give-and-take bargaining process. My delegation is determined to cooperate closely with Ambassador Ramaker in his efforts to promote such a process and bring the CTBT negotiations to a successful conclusion by the end of this month.

The PRESIDENT: I thank the representative of Poland for his statement and for the kind words addressed to the Chair. I now have pleasure in giving the floor to the representative of Ukraine, Ambassador Slipchenko.

Mr. SLIPCHENKO (Ukraine): Mr. President, it gives me great pleasure to congratulate you on the assumption of your important functions and wish you every success in their discharge, especially as the Conference on Disarmament enters the final stage of the CTBT negotiations.

I have taken the floor at this plenary to bring to your attention the statement made by the President of Ukraine, Leonid Kuchma, concerning the completion on 1 June of the process of removal from its territory of strategic nuclear munitions. By virtue of this event Ukraine has become a non-nuclear State, thus implementing the relevant provision of the 1990 Declaration of State Sovereignty of Ukraine. Having strictly adhered to its obligations in accordance with its tripartite agreement, Ukraine rightly expects that its

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partners as well would honour in full measure their commitments concerning security guarantees for Ukraine, financial assistance for the purpose of nuclear disarmament and compensation for nuclear warheads.

Now let me proceed to read the statement of the President of Ukraine.

On 1 June 1996 the process of transporting strategic nuclear ammunition from Ukraine to the Russian Federation with the aim of its subsequent elimination under the supervision of Ukrainian observers was completed. Thus the Ukrainian State has demonstrated to the world its commitment to the idea of global nuclear disarmament, its striving by concrete actions to bring humanity yet nearer to those times when all nations of our planet will be able to live without the threat of nuclear extermination.

There was a time when the peopl e of Ukraine were compelled to finance an exhausting nuclear arms race during the cold war period at the expense of their well-being and economic development. Therefore, when Ukraine proclaimed its ownership of the nuclear weapons on its territory inherited from the former USSR, it did not regard those arms as an actual military force but first and foremost as material wealth which could recompense at least partly its losses. Independent Ukraine has never posed a nuclear threat to humanity.

The Verkhovna Rada (Parliament) of Ukraine was guided by this when in July 1990 it proclaimed that Ukraine would adhere to three non-nuclear principles: not to accept, produce or procure nuclear weapons.

This decision found its elaboration in all subsequent documents and practical steps taken by Ukraine in the field of nuclear disarmament, and so the withdrawal of the final nuclear ammunition from the territory of Ukraine is but its logical outcome as well as convincing evidence of Ukaine's consistent and predictable policy.

This historic event marks the timely and total fulfilment by our State of its commitments according to the Trilateral Statement by the Presidents of Ukraine, the United States of America and Russia of 14 January 1994 and is Ukraine's important contribution to the process of disarmament. This process, however, cannot be unilateral - it should be supported and complemented in the political and practical fields by other countries, first of all the nu lear ones. The complete liquidation of nuclear weapons situated in the territory of Ukraine provides a unique opportunity for carrying out the idea of a non-nuclear central and eastern Europe, from the Black Sea to the Baltic Sea. Its creation will promote the development of an atmosphere of trust among the countries of the region and will considerably reduce the threat of the emergence of new borders of division on the continent of Europe.

The assistance provided for eliminating nuclear arms is highly appreciated in Ukraine. While meeting its international obligations taken in this field, Ukraine faces a considerable number of problems which it cannot solve single-handedly. Therefore, having relinquished the third largest nuclear potential in the world, we have the right to expect that the assistance to Ukraine will also be provided after its complete fulfilment of

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the regulations of the Trilateral Statement by the Presidents of Ukraine, the United States of America and Russia of 14 January 1994. We count on long-term cooperation in this field for the benefit of all mankind.

The people of Ukraine, having suffered from the destructive consequences of the catastrophe at the Chernobyl nuclear power plant, realize only too well the substantial threat of a disaster posed to humanity by nuclear weapons. Ukraine is convinced of the rightness of its choice concerning its non-nuclear status and appeals to the rest of the States, first of all the nuclear ones, to follow the same road, to do everything necessary to remove nuclear weapons from the face of our planet as soon as possible and for ever. That is the end of the statement.

Concluding, I would also like to stress that through its landmark contribution to the cause of non-proliferation and curbing the arms race, Ukraine has proved once again that its membership in the CD is long overdue. At the same time, it has taken an active part in the search for a compromise resolution of the outstanding issue of the CD's expansion. We hope that the formula worked out would meet the concerns of all parties involved and that a positive decision on this issue could be taken without further delay.

The PRESIDENT: I thank the representative of Ukraine for his statement and for the kind words addressed to the Chair. I now have pleasure in giving the floor to the representative of Algeria, Ambassador Meghlaoui.

Mr. MEGHLAOUI (Algeria) (translated from French): I would like to begin, Sir, by congratulating you on taking up the presidency of the Conference on Disarmament and assuring you of the well-disposed support of the Algerian delegation. I am convinced that your qualities, both human and professional, will be a valuable and much appreciated asset in these particularly eventful and difficult times. I would also like to take this opportunity to thank your predecessor, Ambassador Abuah of Nigeria, for the commendable efforts he made to advance our work, and to express my delegation's wholehearted appreciation to him. Allow me also to extend a warm welcome to the new Ambassador of Ethiopia, His Excellency Mr. Fisseha Yimer, to whom I would like to repeat my expressions of friendship.

It was not my intention to take the floor at today's plenary meeting. However, certain elements brought to my attention at the beginning of this week prompt me to do so in order to broach once again the question of the expansion of the Conference on Disarmament. I will confine myself basically to recalling statements already made by my delegation on this important issue.

On 1 February 1994, as I took my first steps in this Conference on Disarmament, I made the following statement before this august assembly:

> "My delegation deeply regrets that the Conference on Disarmament was not able to overcome the obstacle that prevented its expansion last year. The delegations that had expressed their wish to become full members of the Conference found in Ambassador O'Sullivan the faithful spokesman of their concerns and the conclusions that he arrived at still enjoy our full support. We fear that the introduction of elements that

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are alien to the concerns of our Conference in the handling of the expansion issue might block this process indefinitely and cause the Conference to lose some of its credibility. The delegations of the 23 selected States have submitted a compromise proposal. This does them credit. It shows yet again the determination of these States to contribute to the work of the Conference. We are fully aware of this and we continue to hope that a solution may be found in the coming weeks" (extract from document CD/PV.668 of 1 February 1994).

On 18 August 1994, I returned to the question of expansion in the following terms:

"Despite the laudable efforts of Ambassador Lampreia, efforts which we welcome, the problem of the expansion of the Conference on Disarmament has not had a positive outcome. Yet again this year the developments have not been fruitful. The lack of any alternative to the conclusions and recommendations of Ambassador O'Sullivan seems clearer now than ever. We think that it is time to respond to the resolve of States to become members of the Conference. The immediate increase of the number of member States to 60 should be complemented by the establishment of machinery that would allow the regular and controlled expansion of this forum.

"We agree with those who have asserted that the world has changed. This is so evident that no particular effort is needed to reach this conclusion. One of the consequences of this new situation, we thought, should be greater democratization of decision-making in international bodies" (extract from document CD/PV.688 of 18 August 1994).

In addition, I cannot fail to remind you of the support the Algerian delegation expressed for the decision on expansion on 21 September 1995 (the decision contained in document CD/1356). On that occasion I stated, inter alia:

"My delegation fully subscribes to this decision. It constitutes a step forward towards solving this problem of expansion which has been before us for a long time.

"Since the O'Sullivan report was published, my delegation has lent full support to the admission to the Conference on Disarmament of the 23 countries concerned. We think that it is high time that this Conference was expanded. Indeed, this has become a necessity. This Conference negotiates international legal instruments of universal scope. The more countries are involved in the negotiations, the better the chances of making the agreements concluded universal. It is true that consensus will be harder to create, but once achieved it will be all the more solid - I am tempted to say more legitimate. We understand the concern expressed by certain delegations regarding respect for balances within the Conference, particularly geographical and political balances. However, we believe that the desire of each member State of the international community to become a member of the Conference on Disarmament is legitimate."

(Mr. Meghlaoui, Algeria)

You will note that in the statement to be found in document CD/PV.688 the Algerian delegation not only stressed the need for immediate admission to the Conference on Disarmament of the countries appearing on Ambassador O'Sullivan's list, but also put forward a proposal unambiguously indicating that it is prepared to go beyond that list, in accordance with rule 2 of the rules of procedure of the Conference, which provides that "the membership of the Conference will be reviewed at regular intervals". We cannot disregard the fact that other countries which are not among the 23 are candidates for admission to the Conference on Disarmament because they include friendly countries which do not fail to remind us of this fact whenever the occasion arises.

I would conclude by expressing the hope that these reminders will dispel the doubts which have troubled the head of a member delegation of the Group of 23 with respect to Algeria's position on the question of the expansion of the Conference on Disarmament. My delegation is fully aware of the difficulties which prevented the attainment of a satisfactory solution, which it has always pursued. It is also aware that the role we all have here is to seek means of overcoming difficulties which arise. And this is the moment to emphasize that the Algerian delegation is one of those which help to fashion consensuses, not one of those that defeat them. Lastly, I wish to remind you that our President is mandated to conduct consultations on the question of the expansion of the Conference on Disarmament. My delegation remains constantly ready to consider with the greatest care any politically and legally acceptable formula which may be presented to it. And it will do so above all in a spirit of transparency in order to avoid any misunderstanding, which in the circumstances could only be highly unfortunate.

The PRESIDENT: I thank the representative of Algeria for his statement and for the kind words addressed to the Chair. I now give the floor to the representative of China, Ambassador Sha.

Mr. SHA (China) (translated from Chinese): Mr. President, may I begin by most warmly congratulating you on taking up the Chair of the Conference on Disarmament? China and Pakistan have long enjoyed friendly relations and cooperation, characterized by mutual understanding and support, in international affairs in particular. This relation is based on the five principles of peaceful coexistence and has withstood the test of time. In international affairs our relationship can serve as a model for State-to-State cooperation.

A deep friendship has also been forged between the Chinese delegation and the delegation of Pakistan as well as between myself and you, Sir. The Chinese delegation is convinced that, with your outstanding diplomatic skill and your profound understanding of international affairs, you are sure to guide this session of the CD to a successful conclusion and play a leading role at the critical juncture of the CTBT negotiations. I would like to assure you of the full cooperation of my delegation. I also wish to take this opportunity to welcome our new colleague, Ambassador Fisseha Yimer of Ethiopia, and look forward to cooperating with him and the Ethiopian delegation.

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We have entered the final stage of the CTBT negotiations. After two years of hard work we have finally come to see the light at the end of the tunnel. Needless to say, we are still faced with some important outstanding issues. These issues can only be resolved through genuine negotiations by all the interested parties. The Chinese delegation is convinced that, as long as all parties negotiate in good faith with an attitude of mutual respect and the necessary flexibility, we would be able to live up to the high expectations of the international community and conclude the CTBT by the end of June. The Chinese delegation is ready to make unremitting efforts towards this objective.

The CTBT has a direct bearing on China's fundamental security interests. Admittedly the world situation has undergone drastic changes as compared to the cold war era. However, hegemonic ambitions are still there and the habit of interfering with other countries' internal affairs has not changed. Programmes to preserve and maintain the largest nuclear stockpiles for the seeking of perpetual nuclear superiority are well under way, and the pursuit of the policy of nuclear deterrence based on the first use of nuclear weapons is yet to be discarded. In these circumstances China has undertaken certain risks, both politically and in terms of its own security, in agreeing to negotiate and conclude a CTBT. However, in order to promote nuclear disarmament and nuclear non-proliferation and in response to the call by the broad non-nuclear-weapon States, the Chinese Government has made a political decision to participate in earnest in the CTBT negotiations. The objective of China is to conclude a treaty of equality, a treaty that is universally acceptable and a treaty that does not prejudice China's legitimate security interests. For this purpose, the Chinese Government has adopted a very serious and responsible attitude towards the negotiations. In order to facilitate the early conclusion of the CTBT, China is ready to make the necessary compromises, but these compromises cannot go beyond the limit of the requirements of China for its basic national security interests. In the following I would like to explain the position of the Chinese Government on some major issues in the CTBT negotiations.

First, scope and peaceful nuclear explosions. No arms control or disarmament treaty should hinder the scientific and economic development of its States parties. This is a universally accepted principle. As a technology with enormous potential, PNEs, if used properly, can play a dynamic role in promoting the economic development of some countries. This is of special significance for China - a populous country with a large territory but relatively scarce natural resources. We cannot agree to ban a promising technology just for the sake of banning nuclear-weapon test explosions. As the saying goes, the baby should not be thrown out with the bath water - a simple wisdom. China's original intention in raising the issue of PNEs remains unchanged. The concerns that PNEs are not easily distinguishable from nuclear explosions for military purposes, and that they may have an adverse effect on the environment, are fully shared by us. However, we do not think these problems are insurmountable. Although we still need to be convinced by the various counter-arguments, we also recognize the fact that the CTBT negotiations have reached their final stage, and in order to facilitate the conclusion of the treaty within the time-frame as planned, the Chinese delegation is now ready to go along with a temporary ban on PNEs, China can

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agree to a treaty provision that the possibility of permitting the conduct of PNEs shall be considered by the review conference of the States parties. If all the States parties agree to permit the conduct of PNEs by consensus, the conference of the States parties shall immediately commence its work with a view to agreeing on arrangements for the possible approval and conduct of such explosions. The arrangements shall preclude any military benefits and shall be consistent with the obligations of States under other international agreements.

This is a major move of flexibility by the Chinese Government for the sake of an early treaty. It is China's hope that other countries will seriously consider this formulation and reciprocate with the same spirit of flexibility. If consensus can be reached on this, China will be in a position to consider favourably the scope language contained in CD/NTB/WP.222, which in essence bans any nuclear weapon test explosion and any other nuclear explosion.

Second, nuclear non-proliferation, nuclear disarmament and security assurances. Nuclear non-proliferation and nuclear disarmament constitute two of the basic objectives of the CTBT, which are equally important and indispensable. For the sake of nuclear non-proliferation, it is essential to condition the entry into force of the treaty on the joining by all those States technically capable of conducting nuclear explosions. Therefore, on the issue of entry into force, the Chinese delegation supports any proposal consistent with the above principle. Likewise, the Chinese delegation is against any proposal which will negate or weaken the principle, such as the so-called waiver clause. Nuclear disarmament is an issue that the CTBT cannot evade. China has always stood for the early elimination of all nuclear weapons and regarded the CTBT as a concrete step towards this objective. For this reason, China supports the position of the G-21 that some language on nuclear disarmament be included in the relevant part of the treaty. Due attention should also be given by the treaty to negative security assurances to non-nuclear-weapon States and agreement among the nuclear-weapon States not to be the first to use nuclear weapons against each other. At the beginning of the negotiations, China advocated a separate article in the treaty on this issue and tabled a textual proposal. As another gesture of flexibility, the Chinese delegation now agrees to withdraw the proposed text. However, China's political position remains unchanged, and we continue to insist that these ideas be reflected in the preambular part of the treaty.

Third, the trigger mechanism for on-site inspections. The last and most important issue I would like to talk about is the trigger mechanism for OSIs. This issue touches upon the security interests of all States parties and it exemplifies the principle of equality and justice of the treaty. Therefore, whether we can successfully conclude a CTBT and whether the treaty can attract universal adherence will, to a large extent, depend on whether we can resolve this issue properly. In order to settle this issue, it is essential to tackle properly the relationship between the basis for a request and the decision-making procedure of the Executive Council. The international monitoring system is a result of joint efforts by experts from many countries and will operate under the supervision of the Technical Secretariat of the future treaty Organization. Its facilities and data will be calibrated and

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certified by the Technical Secretariat. Therefore, data obtained by the IMS will normally be reliable, and should serve as the primary basis for triggering an OSI. At the same time, we recognize that, globally speaking, there is a gap between the capabilities of the IMS and the verification requirements of the treaty, owing to factors like financial constraints. This gap should not be overlooked, of course.

In this connection, NTMs may have a supplementary role to play. However, the problem is that the NTM capabilities vary greatly from country to country in terms of quantity as well as quality, since countries are at different levels of development. A large number of developing countries have no or very few NTMs suitable for this treaty, unlike a small number of developed countries. If these latter countries are allowed to use NTMs without any restriction, then the large number of developing countries will inevitably be subjected to discrimination. It doesn't take much common sense to know that the countries that have strong NTMs will not use these means against themselves. The likely target countries of NTMs may well be the developing countries, particularly those perceived as a "threat". What is more important, as they are under national discretion, NTMs are inherently selective and discriminatory. Due to such a nature, if NTM data are used as the sole basis for triggering an OSI, this may easily open the door to possible abuse of the right to request an OSI, which will seriously undermine the solemnity of the verification system and even the treaty itself. Therefore, necessary restrictions have to be imposed on the use of NTMs. The Chinese delegation is of the view that, if NTM data are to be used as a part of the basis for triggering an OSI, they must be technical in nature, reliable, verifiable and obtained in keeping with universally accepted principles of international law. Such data should also go through a process of strict technical and political examination. The Chinese delegation is categorically against triggering an OSI with so-called human intelligence. OSIs will be politically sensitive and to a certain extent may infringe on the sovereignty of the inspected States parties. Therefore, OSIs can only be the last resort of the verification system, used under extreme circumstances. This makes an OSI a rare rather than a routine event. For this reason the treaty should, on the one hand, provide for the necessary procedures of consultation and clarification, so as to avoid unnecessary OSIs, and on the other hand, establish a stringent decision-making process for the EC to review and approve OSI requests, so as to prevent as far as possible any abuse of OSIs.

There are now on the table several proposals on the Executive Council's decision-making process. There is a "red light" option, which will mean automatic launching of an OSI unless the majority of the EC members disapproves. There is a "green light" option, under which a request for an OSI should be approved by a certain majority of the EC members. There is also an option of mixing the green and red lights. For the "green light" option, there is also a difference in the intensity of the colour, that is, simple majority or two-thirds majority. I would like to point out that since an OSI is a last resort of the verification system, the launching of an OSI can only be considered as a substantive issue in the EC. One may ask, if such an issue is not a substantive issue, what other issues can be considered as substantive in the EC? Considering the inherent nature of OSIs, and especially the fact

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that NTMs may play a certain role in triggering an OSI, the Chinese delegation firmly believes that, in order to ensure the justice of OSIs, an OSI request must be approved by a two-thirds majority of all EC members before an OSI can be conducted. Some expressed the concern that, if the decision-making process of the EC is too strict, this may delay the arrival of the inspection team at the inspected area, hence weakening the effectiveness of an OSI. The Chinese delegation believes that such a concern can be addressed and might be unwarranted. According to the report of the OSI expert group submitted in December 1994 (CD/NTB/WP.198), for xenon gas, which is the most time-critical phenomenon of a nuclear explosion, so long as the inspection team arrives at the site within two weeks after the event takes place, good detection probability can be achieved. This has provided a sound scientific framework for the design of various time-lines. My delegation is convinced that through discussions we can find a proper solution which on the one hand will ensure the effectiveness of an OSI and on the other hand will provide sufficient time for deliberations in the EC.

Only three weeks are left before the end of June, when the negotiations are expected to be concluded. Let us exert maximum efforts and concentrate on the negotiations so as to fulfil the task entrusted to us by the international community. The Chinese delegation will spare no effort in this regard.

The PRESIDENT: I thank the representative of China for his statement and for the kind words addressed to the Chair. I now give the floor to the representative of Chile, Ambassador Berguño.

Mr. BERGUÑO (Chile) (translated from Spanish): Originally I put my name down on the list of speakers to make a general statement on a variety of disarmament issues, and in particular the issue addressed by Ambassador Dembinski with much greater rigour and precision, in support of the new text presented by our Chairman of the Ad Hoc Committee on a Nuclear Test Ban. However, after listening to the major statements made this morning, first and foremost the statement made by Ambassador Sha which we have just heard, I have decided to postpone the statement which, on instructions from my Government, I planned on this and other disarmament issues.

The reason for asking for the floor on this occasion is the very interesting and well-documented statement which Ambassador Meghlaoui of Algeria made concerning his own experience, which is certainly the experience of many other members of the Conference on Disarmament, but in which he showed how, over the passage of time, the question of expansion has been a recurrent feature in which he personally has held to the same position of integrity. His closing statement, to the effect that he is always willing to accept a politically and legally acceptable formula, is received with the greatest of pleasure by my delegation, particularly bearing in mind his experience, which he himself referred to.

I consider that it is important at this point to avoid any confusion as to those for whom I am spokesman or representative, as I often act as representative of the Group of 23 countries, and, as a representative of only one of those countries, I should like to say something which I trust will be very clearly understood. The only politically and legally acceptable formula

(Mr. Berguño, Chile)

is that of the straightforward implementation of decision CD/1356, that is, the establishment of a precise deadline for the definitive entry of the new members who make up the approved membership of the Conference on Disarmament; and, in that connection, I would like to express my thanks publicly and warmly to the Ambassador of Argentina for putting document CD/1403 before this Conference for its consideration. I think that the proper response to Ambassador Meghlaoui's statement is to be found in that document. No other element or associated condition - and you, Sir, have received from me a set of background information concerning elements which could provide a spatio-temporal context for the attainment of the goal for which we are striving, which is the adoption of this decision pure and simple - none of these elements can constitute or form part of the decision. Nothing can or should be added to this decision; this I feel is completely fundamental and any other element is part of a sovereign decision by sovereign nations.

In the time that I have been attending the Conference on Disarmament, engaged in a learning process in the Conference, I have on a number of occasions observed a by no means subtle tendency to drift towards aspects which are the preserve of States. It is very important on this point that the position of my country, at least, should be made known - a position expressed in the terms which I have just set forth: that only the unqualified, direct, unequivocal implementation of decision CD/1356 is appropriate for consideration and approval by this Conference. Any other element which may have been considered, analysed or consented to with a view to facilitating this decision pure and simple is a matter that can be made known and one which my delegation and surely other delegations will always be prepared to explain as fully as possible; and one which can be the subject of debate, analysis, any examination, since this is a free forum; but one which cannot and should not, in any way, be connected to what has been sought from the Conference for a long time, and that is final approval of the entry of 23 countries which were selected in 1993 and which are still awaiting that decision.

Mr. BENJELLOUN-TOUIMI (Morocco) (translated from French): First of all, Mr. President, I would like to congratulate you on taking the Chair. I am sure I will have occasion to do so at greater length and to congratulate your predecessor.

I hesitated before taking the floor today on this extremely important subject of the expansion of the Conference, since Morocco focused on this issue during its term in the Chair. Hence it is difficult for my delegation to imagine that anybody could say that we are not in favour of expansion, right away. But, since I have always been frank with the members of the Conference, the Group of 23 and the other candidates, I will venture to be very frank once again with them and tell them, to use the football expression, "You are fumbling the ball", because the way in which the draft decision has been put before us shows great clumsiness which may - I emphasize may - create problems in our capitals. You presented documents with more than one version, and that is unfortunate because transparency is the rule in a Conference on Disarmament where people are very mistrustful. This is what I have learnt in spending a few months here; we receive documents which are incomplete, and I discover that members of the Conference have other documents that are longer

(Mr. Benjelloun-Touimi, Morocco)

containing provisions which are controversial to say the least. None of this produces good results although you have right on your side, you have everyone's sympathy and everyone's acceptance.

I regret that you have approached the matter in this way, I do not even understand why it is a country submitting this text - it ought to be a consensus text from the President. I am very pleased that my friend Ambassador Sánchez Arnau is submitting it, but I do not understand why; the impression is that something is being prepared in the wings. I think things should be done calmly. Well, this calm approach is that this decision is only the tip of the iceberg which you and I and many others around the room, both in the inner circle and outside, have discussed at great length. It is a package - you should show it to us because we have talked about it for months, and we have to know what we are committing ourselves to. If you tell me that the decision is the only thing that is important, we could have settled the matter years ago. I do not think that it stops at that decision, and I must say very openly that the reference to Chapter VII of the United Nations Charter - I said this to the United States Ambassador, at the press conference which I held as President of this Conference, I repeated that any reference to Chapter VII is unacceptable for the simple reason that Chapter VII of the United Nations Charter is sufficient to itself. You cannot cite the fact that the provisions of Chapter VII are being applied to a country as grounds for depriving it of other rights. My country cannot accept that way of looking at things, and I take the liberty of saying to you, without pressing the point, that if you want to do things properly you ought to send your package to the United Nations Legal Counsel for an opinion, to see whether it is in keeping with the rules of procedure of the Conference. I am not sure that you will get an affirmative answer.

That said, I repeat, my country is in favour of expansion, but provided that I am given all the documents in a transparent manner and that we have the time to think about it before we adopt it. I am ready to adopt it, I am ready to swallow the pill, because quite frankly your papers are hard to swallow. I am willing to accept a little game-playing because there are important political considerations to bear in mind, to swallow the interpretation given to the text, and I think that Ambassador de Icaza of Mexico set them out clearly to us. I am willing to swallow two pills but not three. The reference to Chapter VII is unacceptable as far as we are concerned because that would mean compromising not our rights here, but the rights of all Members of the United Nations. Chapter VII, the Conference on Disarmament and a different forum are not things that should be mixed. I will ask the secretariat, Mr. Bensmail, who was at the press conference with me, to provide interested delegations with a copy of the transcript of the press conference in question. Hence I am not inventing anything - these are matters which are generally known. So if I am presented with a paper which speaks of the "structure of the letter" that does not reflect the controversial passages of the text of the letter in question, which does contain a reference to Chapter VII, I find that unacceptable. That is not transparency, and I regret it, whilst remaining in favour of expansion, while wishing to help ensure that it is put into effect next week. I do not know when it will be possible, but I deplore the fact that these methods are being used here.

Mr. SELEBI (South Africa): Mr. President, as this is the first time that I am taking the floor under your presidency, may I take this opportunity to congratulate you on your assumption of this office?

I have asked for the floor simply to speak for ourselves. It seems to me that we have heard others speak for us. It is about time that we spoke for, and represented, ourselves. The issue of the expansion of the Conference on Disarmament is one of national interest for South Africa, as it is for another 22 countries represented in this chamber. Whilst we acknowledge the right of States to consult with their capitals and to seek instructions, I believe that our rights and interests should also be acknowledged. The Conference on Disarmament will recall that the Group of 23 has waited for three years for the question of membership to be resolved; individual countries within our ranks have in fact been waiting for decades. It is therefore not out of order for us to ask that the matter be resolved with a minimum of further delay.

My request for an expeditious resolution of this matter is further based on the fact that the only decision which will be put to the Conference on Disarmament is a so-called clean decision. Members are only being asked to implement decision CD/1356, admitting all of the Group of 23 countries to the Conference as full members with all - I repeat all - of the rights which this entails. We submit that the only question which needs to be answered is whether or not full membership should be granted to all of the 23 countries, without exception.

The declaration and the letter are to come about in the implementation of our national sovereignty. They will not form a part of the decision, nor - as I believe is being speculated - will they be "tabled" together with the decision. The declaration will in fact only be made in anticipation of the above-mentioned decision being adopted. The letter - which is a communication between only the signatories and the President of the Conference on Disarmament - will be delivered only after and on condition that the clean decision is adopted. As is the case with any other country represented here, we claim the right to decide how we are to implement the full rights of membership. The declaration will be made and the letter will be signed in an exercise of these rights.

The argument that this proposal creates a precedent is therefore not correct. The manner in which we are going to use our right to block or not block consensus is being decided by ourselves. This is not a part of the decision, nor is it being imposed by the CD. For it to be a precedent and for it to be repeated elsewhere will again require a State or group of States to decide for themselves to exercise their rights in this way as an act of national sovereignty. Delegations may have reservations about how we choose to use our rights as full members of the CD, but this cannot be used as a reason to prevent us from gaining membership. Delegations which are unhappy with this are welcome to say so, as it is our right to criticize the decisions of others. Using their unhappiness with this solution as a reason to prevent membership would be a restriction on our sovereign right to exercise our rights of membership as we deem fit.

(Mr. Selebi, South Africa)

The view that the contents of the declaration and the letter may be extrapolated to apply to other countries is also incorrect. It can only apply to those which have made the declaration or signed the letter - the commitment is by those who have made it. For it to apply to another delegation would require that delegation to make a separate declaration while exercising its sovereignty and its rights of membership.

The claim that this solution creates two classes of membership is also wrong. The solution was specifically designed to avoid this - the Group of 23 will be given full membership and all of the rights which current members enjoy in terms of the clean decision. The decision as to how we are going to use those rights is being made by ourselves and not by the CD. Any attempt by members to arrogate to themselves the right to decide how we as sovereign States should exercise our rights, by deciding whether or not we can take the steps which are intended, is in fact an attempt to limit our rights.

As I have said, this issue is of national interest for South Africa. It is a matter which has been raised with and has received the attention of my President. In fact, as we speak now, it is again receiving attention in the highest levels of Government in South Africa. We hope that we will be able to arrive at a conclusion of this matter at the earliest possible time.

I am ready to distribute the text of what I have read now to enable those that seek clarity, those that seek to consult their capitals, to do so.

The PRESIDENT: I thank the representative of South Africa for his statement and kind words. I have another request for the floor from the representative of Cuba, Ambassador Caballero.

Mr. CABALLERO (Cuba) (translated from Spanish): Mr. President, we have before the Conference a draft decision in document CD/1403. I would appreciate if you would clarify whether we are already considering this issue or whether you are considering inviting the Conference to consider this text, because if we are considering the subject, my delegation as the Coordinator of the Group of 21 would have to make a statement.

The PRESIDENT: I thank the Ambassador of Cuba. I also have a request from the Ambassador of Austria to speak. After the distinguished Ambassador of Austria, it is my intention to give the floor to the Ambassador of Argentina, who will introduce document CD/1403, after which we can hear further statements on that, if they are required. I would, therefore, now call on the representative of Austria, Ambassador Kreid, to take the floor.

Mr. KREID (Austria): Mr. President, let me also set out by congratulating you on assuming this important task, and as we can all see now at this very moment it is not the easiest of tasks. But I trust that under your guidance we will manage to solve many of the questions including the one of expansion. I have no prepared statement because my delegation was not really prepared for this situation to arise. I believe that, listening to the Ambassador of Morocco, there has possibly been a certain lack of, as he called it, "transparency", or maybe the way in which we presented our draft decision here was not exactly in the way which he would have preferred. Now, I would

(Mr. Kreid, Austria)

only want to say very briefly that my country - and I am convinced that the other delegations of the G.23 countries would also be ready to do that - are willing to explain in detail what prompted us to go along with the procedure which, by now, must be known to everybody in this room. I can only stress that we fully agree with the interpretation given here by the Ambassador of South Africa, that there is nothing hidden, there is nothing which we are keeping from delegates here and which will only be made public later on. What we are doing, and what my Government as well as other Governments has thought completely acceptable, is to make a decision within our sovereign rights which will not reflect on our legal status in the Conference as members. I can only insist on this particular point: I believe that nobody, no other country, can take issue with the fact that another State decides to adopt a certain position outside the legal situation in which we will find ourselves as full members.

The PRESIDENT: I thank the Ambassador of Austria. I think that, at this moment, it may be appropriate for me to call on the distinguished representative of Argentina to introduce the document about which comments have already started to be made. I give the floor to Ambassador Sánchez Arnau.

Mr. SANCHEZ ARNAU (Argentina) (translated from Spanish): Mr. President, I intended to begin my statement by saying that there was no need to express our satisfaction at seeing you in the Chair of this Conference since your professionalism was to be of great value in order to be able to guide our proceedings at this crucial juncture. I think that this initial phrase in what was to be my statement becomes all the more important after some of the statements which we have heard. And it is also much more important that we should keep the proceedings of this Conference within the tracks which have normally been followed and one of these tracks indicates that the order in which items are considered is agreed in advance in the Presidential consultations, and in the Presidential consultations we held yesterday we had agreed to follow a certain procedure in the discussion of this specific issue of expansion, enabling us to introduce a draft decision supporting the just aspiration of the countries which have been waiting for more than three years to be able to become members of this Conference, and that afterwards we would suspend the item to allow various delegations time to be able to consult their respective capitals concerning this decision and all its implications, seek instructions and be able to return to the matter at a later meeting. Unfortunately, for reasons I am unaware of, we departed from that procedure and we embarked on a debate which in fact is taking a path which is not necessarily the constructive path that we are seeking and that we were trying to keep to in presenting this draft decision, so that we can in fact finally make a reality of the expansion of the Conference, an objective in which - I believe we cannot delude ourselves - we have been failing up to now despite the various attempts made by various coordinators or Friends of the Chair in this matter. We have made progress - today we have a list of 23 countries which have almost got their foot in the door of the Conference, but which cannot manage to become members of it. The draft decision introduced by my delegation, with the greatest good will, with the aim, on the one hand, of attempting to facilitate analysis of this issue in capitals, and secondly to make possible what we think should be a definitive decision on this matter,

(Mr. Sánchez Arnau, Argentina)

has been introduced, is before the Conference and, as we had agreed at the Presidential consultations held late in the afternoon yesterday, we hope that this matter can be brought back for discussion and approval by the Conference, if possible at the next session of this plenary.

The PRESIDENT: I thank Ambassador Sánchez Arnau of Argentina for his statement and would confirm the understanding reached in the Presidential consultations. It was my hope that this understanding would have been shared with all the members of the regional groups. It is not, of course, in the powers of the President to deny anybody who seeks to have the floor and, of course, one statement evokes another and that has given rise to the situation that is with us now. I have a request from the representative of the United Kingdom, Ambassador Sir Michael Weston.

Sir Michael WESTON (United Kingdom of Great Britain and Northern Ireland): Forgive me, Mr. President, if I don't waste time with the usual courtesies. I asked for the floor to say that the United Kingdom fully supports the proposal that the 23 countries favoured by Ambassador O'Sullivan should be admitted immediately and unconditionally. As we see it, this would be a step towards the admission of all those countries who have applied to date. To make this point clear, I would like to suggest a short oral amendment to the Argentine draft decision. It would come at the beginning of the draft and would simply say: "Recognizing the legitimate aspirations of all candidate countries to participate fully in the work of the Conference," and then there would be a comma and a lower case for the "the", and the draft decision would go on as it stands. This language is, I think, consensus language. It is not doubly hallowed, it is not taken from SSOD.I, but it is consensus language. And I would be grateful if delegations would consider it together with the Argentine draft decision. I should, however, make clear that if our proposal does not find favour with all members of the Conference, then we shall be prepared to withdraw it, by which I mean that the acceptance of our proposed addition is not a precondition for our agreement to the Argentine draft decision.

The PRESIDENT: I thank Ambassador Weston for his statement and especially for not wasting time. I have three more speakers on my list: the distinguished Ambassadors of Morocco, China and Cuba. Morocco has the floor - Ambassador Benjelloun-Touimi.

Mr. BENJELLOUN-TOUIMI (Morocco) (translated from French): I simply wanted to make a few comments because, having studied this question a little, I am surprised that it has just been discovered that each State's sovereignty is its own - I have no problem with that. As to the way in which this was presented, referring to the statement made by the Ambassador of Austria, any presentation of this text which would lead to results suits me - it just has to be done correctly.

I would like to go a bit further with the thinking which has been presented to us today to try and understand things better. In fact, you are asking us to adopt a decision, which you describe as a "clean decision". In that case I am wondering, since it is your sovereign right to censor yourselves - you don't even have to tell us - why do you want to tell us this?

(Mr. Benjelloun-Touimi, Morocco)

We don't need to know since it is your sovereign right; you do what you want with it. Once you have been accepted in the Conference, you have a veto. You have the right to do what you want, but if you do not want to exercise it, that's your right. You don't even have to tell us about it, we don't want to know about that. And don't tell the President that either, because our President represents us all. Do you think the President represents Pakistan? The President represents the members of the Conference. So why do you want to write to him? You don't need to write to him. Maybe you are going to write to a country I am not going to mention which has problems, but not to the President of the Conference, because the President represents each and every one of us around this table, and we don't need to know if you want to cut down your rights; that's your problem. But if you want to cut down your rights and in addition act counter to certain principles of the law, then that's even more difficult to swallow. So please, when you develop your arguments as you have just done, noting that it is your sovereign right not to block the consensus, I accept that - as you know, this is one of the solutions which Morocco tried to pursue while in the Chair. But for you now to come along and tell me: "We are just going to inform the President, and you don't need to know any more than that", then my reply will be: "No, don't inform the President, because the President is obliged to report to us. He is not there to talk to his own authorities, he is there to talk to the members, which you will also be later". The President does not act in his personal capacity. So everything you do subsequently in informing the President, we have the right to discuss it, to assess it and not to appreciate it.

Mr. SHA (China) (translated from Chinese): The expansion of the membership of the CD is obviously an important issue. On this issue the Chinese delegation has consistently held that all countries have the right to participate fully in the work of the CD as equal parties. The Chinese delegation fully understands, respects and supports the application of the 23 countries to participate in the work of the CD. As a matter of fact, the Chinese delegation has always believed that the Group of 23 countries should immediately participate in the work of the CD without any conditions. It is because of well-known factors that this objective has not been achieved so far.

It is only 20 hours since my delegation received the news about document CD/1403. The Chinese delegation knows nothing about the preparation of this draft decision. In view of the importance of this issue, my delegation needs to report back to the Chinese Government about this draft decision and any explanation given concerning this document and seek instructions thereon.

Finally, my delegation would like to express our hope that an early and satisfactory solution acceptable to all will be found to this issue.

Mr. CABALLERO (Cuba) (translated from Spanish): If there are no other delegations down to speak, perhaps my request for the floor is not necessary. What we wish to propose is that we follow the agreement reached in the Presidential consultations yesterday, and in that regard we support the proposal made by the Ambassador of Argentina, that is that all delegations should be given time to hold appropriate consultations and that the issue should be taken up again as soon as possible.

The PRESIDENT: I thank the Ambassador of Cuba for his statement. I had two further names listed to speak. It is my intention to give them the floor and then to conclude this discussion, if that is agreeable. The two speakers I have are the distinguished Ambassador of Chile and the Ambassador of South Africa. Ambassador Berguño of Chile has the floor.

Mr. BERGUÑO (Chile) (translated from Spanish): My delegation does agree of course with the procedures decided on in this Conference, under your leadership, Mr. President, and in that regard we fully endorse what was said both by Ambassador Sánchez Arnau of Argentina and by Ambassador Emelio Caballero of Cuba. We are fully convinced that if delegations wish to have further information and need time, or if they require a fuller explanation of a matter which as far as we are concerned is already fairly clear, they are entitled to ask and we are prepared to provide it.

The reason for requesting the floor once again is to state that my delegation cannot accept the words of the distinguished Ambassador of Morocco. It seems to us that no member of the Conference on Disarmament is in a position to give, or should give, lessons to the other members or the non-member States participating in the work of the Conference. We need no lessons with respect to our independence in the exercise of our sovereignty or the measures that we take. The President of the Conference has an important function to perform, and I absolutely agree with Ambassador Benjelloun-Touimi in that respect. If plans have been made to send you a letter, Sir, a letter which we will send only if the indivisible and integral connection is achieved with the decision that has been presented, that is, only if we are admitted, it is our prerogative to write to the President. The reason for writing to the President is to convey formally to the Conference information which we considered might be important: that a group of countries wishes to refrain from exercising a right (which they are not renouncing) for a given period of time. This is a major contribution to the work of the Conference, the pursuit of the negotiations, and we are sure that it ought to be welcome. What we cannot continue to accept or tolerate, and my country will not tolerate it, and I wish to say so, that on those terms my country would have no interest in being part of this Conference on Disarmament if, whenever we take an action, whenever we adopt an initiative, whenever we commence a procedure, we have to comply with or limit ourselves to the lessons which we are offered, no doubt in a well-intentioned but quite inappropriate manner.

Mr. SELEBI (South Africa): If there was any delegation that did not want to hear about our declaration, about the letter we propose to write, a simple way of not wanting to hear is to put your fingers next to your ears so that you do not hear. We thought that there are many delegations that are interested in hearing about what we are proposing to do. We have received complaints about lack of transparency, and it was in an attempt to be as transparent as possible that we elected to speak about the procedure in this meeting. Surely we know what sovereign rights we exercise and, like the delegation of Chile, delegations would do well to keep away from being little teachers. We don't need little teachers.

The PRESIDENT: I thank Ambassador Selebi for his statement. If there are no further speakers - and I hope there are none on this issue - I think we have taken note of all the statements that have been made. The consultations to which reference has been made have indicated that more time is needed by delegations to receive instructions from their capitals, and therefore I suggest that we will revert to this matter as early as possible and hopefully - and that is a fond hope - at our next plenary meeting.

We can now turn to the paper which has been circulated by the secretariat at my request, which contains a tentative timetable of meetings to be held next week. This timetable was prepared in consultation with the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, as is evident, and is, as usual, merely indicative and subject to change if necessary. Meanwhile, Ambassador Ramaker of the Netherlands has asked to take the floor for an organizational announcement on tomorrow's meetings on the CTBT negotiations.

Mr. RAMAKER (Netherlands): As you indicated, Mr. President, I just wanted to make a brief announcement of an organizational nature in my capacity as Chairman of the Ad Hoc Committee on a Nuclear Test Ban. We agreed in the open-ended Bureau meeting two days ago that I would consult on how best to fill the time for the negotiations for the last day of this week of our work, namely, tomorrow, Friday, 7 June, and we have been doing so. I just wanted to announce that there will be a small change in tomorrow's programme, and that is the following: instead of having in the afternoon the meeting of the Ad Hoc Committee on other issues following the open-ended Bureau meeting at 3 p.m., Ambassador Zahran of Egypt will continue his work on the preamble. So the whole programme for tomorrow would look as follows: the morning would remain unchanged. So therefore, there would be only the meeting of the Friend of the Chair on the Prepcom starting at 10 a.m. in this room. Then, at 3 p.m. in the afternoon, we will have an open-ended Bureau meeting, as in the programme also, followed by the meeting of Ambassador Zahran on the preamble. So, the Ad Hoc Committee meeting that was foreseen for tomorrow afternoon in the timetable will be moved to Monday and that, of course, is still to be announced in the open-ended Bureau meeting of tomorrow - the one I just mentioned - and in that meeting of the Ad Hoc Committee I would like to begin with scope and then, time permitting, go on to the other issues. So I think with these data, we have fulfilled our organizational duties.

The PRESIDENT: I now have three speakers on my list - the Ambassador of Austria, the Ambassador of the United States and the Ambassador of Egypt. The representative of Austria, Ambassador Kreid, has the floor.

Mr. KREID (Austria): While we have full understanding for the fact that some delegations are still expecting instructions from their capitals and, therefore, we are not able to take a decision now on the text submitted by Argentina, I still would ask you, Mr. President, not to defer this question in such uncertain terms as I understood you when you spoke previously but, rather, to set a certain fixed date when this decision will again be before us for action. We would ask you to consider this because otherwise we feel that we run the risk of losing the impetus and possibly not succeeding in coming to grips with this subject-matter during the current session.

The PRESIDENT: I thank the Ambassador of Austria. We have taken note of his statement and we will try to bring this matter up as soon as possible, as we have said. The distinguished Ambassador of the United States has the floor.

Mr. LEDOGAR (United States of America): I take the floor in my capacity as Friend of the Chair of the previous but one speaker, the Chairman of the Ad Hoc Committee on NTB - Friend of the Chair for host country agreement, simply to remind colleagues that there will be a meeting - the first meeting, open-ended informal consultations - on this matter five minutes after you have called this meeting to conclusion, taking place in room I, and I believe it will be concurrent with a meeting here in this room that will be chaired by Ambassador Hoffmann, but I will let him speak as to the timing of his meeting.

Mr. ZAHRAN (Egypt): I am not going to speak about expansion because our position is very well known: that all the members, all the candidates of the Group of 23 should be accepted immediately, without any condition, to participate fully in the work of the Conference on Disarmament, on an equal basis with each and every member of the present membership. This is our position which we have defended always, but I was intending to speak, in fact, on the question of the organizational matters within the framework of the Ad Hoc Committee on NTB just to complement what Ambassador Ramaker said. Tomorrow in the afternoon we will take preamble and review because we have worked out a formula which would be, hopefully, the basis of consensus and we hope to finish maybe first with review, then we will take up the question of preamble - hopefully to make some more progress.

The PRESIDENT: I thank the Ambassador of Egypt, Ambassador Zahran, for his statement. I believe that everyone has noted the information which has been provided with regard to the timetable for today and for tomorrow, as well as the timetable that has been circulated for next week. The details with regard to this timetable, I understand, will be given by the Chairman of the Ad Hoc Committee in due course, and on that understanding, I hope that this timetable is acceptable.

It was so decided.

The PRESIDENT: The next plenary meeting of the Conference on Disarmament will be held on Thursday, 13 June 1996, at 10 a.m.

The meeting rose at 12 noon.